advanced efficient technology.36/

Fleet Call supports an open architecture environment. The SMR industry must avoid continuing to have different and incompatible formats which limit roaming and wide-area capabilities. The success of the cellular industry in creating wide-area service is in no small measure the result of technical standards that require nationwide interoperability. At the same time, however, it is already clear that many advanced SMR systems will choose a six times more efficient technology. This efficiency gain is not an unreasonable requirement in return for granting a licensee exclusive use of an innovator block and relief from regulatory requirements that hinder implementing advanced, frequency reuse system configurations. On balance, the public interest would be better served by mandating this level of system efficiency for innovator block authorizations. There is adequate SMR and other 800 MHz private land mobile spectrum available for less efficient systems.

E. Creating Innovator Blocks Will Promote a Ubiquitous Advanced Technology SMR Network Capability

Fleet Call is pleased that the SMR industry, both individual licensees and their associations, have engaged in thoughtful and detailed analysis of its Petition. Fleet Call firmly believes that SMRs must move in the directions described therein to maintain a robust, healthy industry and to meet the needs of private radio

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36/ For example, AMTA would limit innovator block eligibility to systems employing advanced (but not necessarily digital) technology at least three-times more efficient than analog systems. Comments of AMTA at p. 14.

customers.

Fleet Call is also pleased that SMR industry commentors generally support changing the rules that inhibit the ability of entrepreneurs to aggregate sufficient spectrum to justify building advanced technology systems. The creation of wide area systems in many of the medium and smaller markets may be delayed without the "jump start" of innovator blocks. Speculators may apply for these areas in hopes of being bought out; but real providers need the assurance of a large assignment to accommodate existing demand, future growth, and roaming traffic. The Commission is continuing to encourage SMRs to innovate and to serve as an efficient access provider to the overall communications network.37/ The innovator block approach assures entrepreneurs of sufficient capacity to meet this challenge.

A 105-channel innovator block will provide the optimum incentive to promote expeditious introduction of digital SMR technology. At the other extreme, less than a 42-channel block provides inadequate frequency reuse and expansion capability to be a credible advanced technology system. Sufficient spectrum must be provided to assure that the financial commitments necessary to implement advanced systems is attainable. A 105-channel block is necessary.

Fleet Call recognized that its identification of available frequencies would be a starting point and that adjustments could be

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37/ Remarks of Private Radio Bureau Chief Ralph A. Haller before the American Mobile Telecommunications Association's Leadership SMR Conference, June 24, 1992.

necessary to take account of specific situations such as the Canadian and Mexican border areas, the unique characteristics of specific markets and possibly other factors. The comments provide useful input on these considerations. Some of the commentors propose using greater co-channel mileage separations for determining vacant channels. Fleet Call believes that using a 55-mile co-channel separation typical of short-spaced low power stations is both appropriate and consistent with existing Commission licensing standards.38/ Identifying vacant channels using a 70-mile separation, or a protectionistic 85-100 mile separation, as proposed by NABER, is comparing "apples with oranges" vis-a-vis Fleet Call's methodology.39/ The Commission is obliged to critically assess spectrally-inefficient proposals that grant unprecedented protection to incumbent licensees. Protecting incumbents by restricting entry (thus granting them a "guaranteed" expansion area) through mileage separation greater than 70 miles fails that test.

NABER proposes that the Commission make available innovator

38/ Section 90.621(b)(4) provides for "short spacing" of less than full power co-channel SMR systems.

39/ Similarly, AMTA appears to require 70 miles in addition to the 100 mile circle around the central coordinates of a wait list area in defining the areas in which channels are considered vacant for inclusion in an innovator block. Both proposals present an arbitrary attempt at drawing the line between the perceived "rights" of incumbent licensees and promoting innovator block systems. More importantly, these are transparent efforts to prevent additional SMR competition in the major markets. The Commission's public interest mandate is better served by rules and polcies that encourage entry than by criteria designed to protect incumbents from effective competition.

blocks comprised of 42 General Category frequencies instead of trunked channels.40/ It states that General Category frequencies are more abundant and clear on a wide-area basis than SMR pool channels. It suggests that existing General Category rules would foil anticipatory speculation (only one frequency could be licensed at a time and must be constructed within 8 months) and that coordinators could assign other General Category frequencies to non-innovator block applicants. Its analysis also suggests that this approach would better conserve the availability of individual user non-commercial 800 MHz spectrum.

NABER's conclusions as to General Category channel availability gives the Commission additional options to assure that adequate spectrum is available for advanced commercial systems as well as single user non-commercial purposes. Of course, coordinators and their attendant fees are not necessary in the SMR service. Thus, while Fleet Call endorses using trunked channels for the proposed innovator blocks, NABER's research provides additional support for modifying the rules to allow additional trunking of General Category channels to provide adequate spectrum for traditional analog SMR expansion in the most frequency-congested markets. Entrepreneurs introducing advanced technology

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40/ Comments of NABER at p. 12-15. NABER did not mention the frequency coordination requirements and associated fees for this service applicable to General Category channels. Fleet Call assumes that, consistent with other SMR frequencies, no frequency coordinator recommendation would be required to use General Category channels in an innovator block. Further, Fleet Call is pleased that NABER is recommending that spectrum normally reserved for its non-SMR members be made available for SMR innovator blocks.

must have sufficient channels to encourage new technologies, offer new and additional services, and accelerate the availability of ubiquitous, nationwide services. The optimum innovator block would require 105 frequencies which the use of General Category channels would be helpful in achieving.

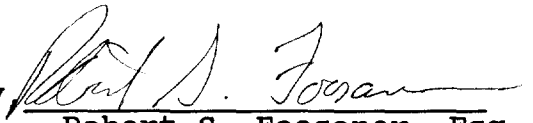
IV. CONCLUSION

The record developed in this proceeding provides strong support for the Commission to propose rules providing for innovator blocks of vacant 800 MHz trunked channels. Fleet Call's goal in filing the Petition was to focus the SMR industry on the compelling necessity and urgency of moving aggressively into the "digital age" if SMRS are to continue offering valuable and desirable mobile communications services. In this regard, the Petition is already a success.

Fleet Call respectfully asks the Commission to move expeditiously to propose rules for creating optimum 105-channel 800 MHz trunked innovator blocks and to simultaneously obtain authority to license them using competitive bidding procedures.

Respectfully submitted,

FLEET CALL, INC.

By 

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Dated: August 3, 1992

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Reply Comments of Fleet Call, Inc. has been mailed by United States first class mail, postage prepaid, this 3rd day of August, 1992, to the following:

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